



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.1337 of 2021

and W.M.P. (MD) No.1111 of 2021

M.Lionel Antony Raj

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The Additional Chief Secretary to Government of Tamil Nadu,
Raj Bhavan,
Guindy,
Chennai - 600 022.

3.The Vice Chancellor,
The Madurai Kamaraj University,
Palkalai Nagar,
Madurai.

4.The Registrar,
The Madurai Kamaraj University,
Palkalai Nagar,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to implement the Final Report of the High Level Committee dated 05.11.2019, headed by the Former Judge of Madras High Court and revise the appointments/promotions of Teaching/Non Teaching Faculties made illegally during 27.05.2017 to 14.06.2018 within time frame fixed by this Hon'ble Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.S.Vanchinathan

For Respondent Nos.1 : Mr.M.Siddharthan
& 2 Additional Government Pleader



For Respondent Nos.3 : Mr.Issac Mohanlal
& 4 Senior Counsel
For M/s.Issac Chambers

ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

WEB COPY

The Writ Petition is filed by the petitioner as a Public Interest Litigation to direct the respondents to implement the Final Report of the High Level Committee, dated 05.11.2019, headed by the Former Judge of Madras High Court and revise the appointments/promotions of Teaching/Non Teaching Faculties made during 27.05.2017 to 14.06.2018 within a time frame.

2.In this regard, it would be appropriate to advert to the report of the High Level Committee, dated 05.11.2019, and the conclusion arrived at by the High Level Committee is extracted hereunder:-

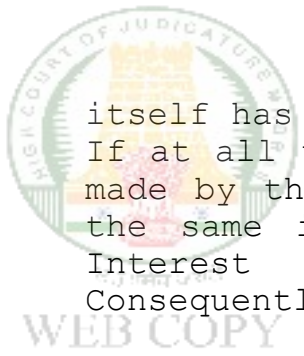
"XII. Conclusion:

- 1.The Committee is of the view that serious lapses have been committed in CAS-2017 which has to be reconsidered.
- 2.The engagement and appointment of other categories of Teaching Staff including Guest Lectures and Non-Teaching Staff, CPCLR and CLR has to be regulated by implementing recruitment process, service conditions, disciplinary actions, pay fixation, period of service and the sanction strength of various category has to be fixed."

3.The High Level committee was approved by the Syndicate of the Madurai Kamaraj University on 07.11.2019. Thereafter, Promotion for Faculty Members was considered by the Committee constituted for reconsideration viz., Screening and Evaluation Committee and the assessment was done, which was placed before the Selection Committee. The Selection Committee was constituted to reconsider the Career Advancement Scheme (CAS) 2017 promotion (UGC 2010 regulations), based on the recommendations of the High Level Committee. The Members of the Selection Committee include the Vice-Chancellor, nominee of the Chancellor, nominee of the Government, Subject Experts, SC/ST/Women Representative and Head of the Department.

4.The learned Senior Counsel appearing for the University pointed out that from out of the people pointed out by the Screening and Evaluation Committee, the Selection Committee has short listed the names and recommended the qualified people and they are provided with promotions as per the recommendations of the Selection Committee.

5.In the light of the above facts, it could be seen that the prayer of the writ petitioner was already satisfied and the report of the High Level Committee is implemented. Since the Writ Petition



itself has become infructuous, the same is dismissed as infructuous. If at all the petitioner is aggrieved by any of the recommendations made by the above said Committees, it is open to him to challenge the same in the manner known to law, but not by way of Public Interest Litigation, challenging service matters. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1.The State of Tamil Nadu rep. by its
Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The Additional Chief Secretary to Government of Tamil Nadu,
Raj Bhavan, Guindy,
Chennai - 600 022.

3.The Vice Chancellor,
The Madurai Kamaraj University,
Palkalai Nagar, Madurai.

4.The Registrar,
The Madurai Kamaraj University,
Palkalai Nagar, Madurai.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-39229[F] dated
17/12/2021)

+1 CC to M/s.SPL GP (SR-39469[F],SR-39529[F] dated 20/12/2021)

W.P (MD) No.1337 of 2021
16.12.2021

NSN (CO)

<https://hsrvtcs1.ecourts.gov.in/hsrvtcs1> 3P 7C